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No. 8:22-cv-608-CMC

BEFORE THE U.S. DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

True Division for Trial: Columbia

Richard Alexander Murdaugh, Plaintiff v. Washava Moye, officially, Defendant

Marie Assa'ad-Faltas, MD, MPH, *pro se* Proposed Substitute Plaintiff.**Dr. Assa'ad-Faltas' *TIMELY* MOTION to Reconsider AND/OR VACATE Ruling on Consent.**

كُنْتُ غَرِيبًا فَلَمْ تَأْوُونِي. غَرِيانًا فَلَمْ تُكْسُونِي. مَرِيضًا وَمَحْبُوسًا فَلَمْ تُزَوِّرُونِي مَتَى ٢٥٤٣

'I was a stranger and you did not take Me in, I was naked and you did not clothe Me, I was sick and in prison and you did not visit Me.' Matthew 25:43

Pontius Pilate's hand-washing against a positive duty to protect the vulnerable; omission and commission being equal in sin, *Matthew 25:43, supra*; Alvin S. Glenn Detention Center ("ASGDC") severely restricting visitation of the incarcerated, neglecting their medical needs up to death, and figuratively denuding them to the public when they are phone-visited, even by family; and Dr. Assa'ad-Faltas' panic at knowing she can be returned to ASGDC at anyone's whim, all constrain Dr. Assa'ad-Faltas to *trustingly* ask Article III Judge Currie, if choosing a Pontius Pilate solution, to **wash her hands completely clean** and vacate her own ruling allowing ASGDC to record and release to all requestors detainees' calls under a consent theory. *Vide Chapman v. Doe*, 22-312_5h25, 598 U.S. _ (2023), Justice Jackson discussing *Munsingwear* vacatur.

The current state of this case leaves Dr. Assa'ad-Faltas in the worst of both worlds: unable to test that ruling on consent through an appeal *as of right* yet being in real risk of it applying to her. **Nor should Article III Judge Currie ignore the real-world consequences of her ruling:** recently, at least one of Original Plaintiff Murdaugh's attorney-client-privileged calls from the Colleton County jail to Jim Griffin, Esq., during the "trial of the century," was released to the world and blithely dismissed as error.

Also, Dr. Assa'ad-Faltas certifies to the Court that she was *never* given an ASGDC inmate manual or allowed to use the kiosk during her near-fatal 26 June to 4 July 2022 incarceration at ASGDC and cites Justice Brenner's dissent in *Weinberger v. Salfi*, 422 U.S. 749, 800-801, fn 15 (1975):

[I]n some cases similar to this one, administrative exhaustion is functionally impossible. For example, in *Weinberger v. Wiesenfeld*, 420 U. S. 636 (1975), the applicant was ineligible for benefits because he was a man, a fact obviously apparent as soon as he appeared at the Social Security office. Not surprisingly, he was refused an opportunity even to file an application for benefits. *Id.*, at 640 n. 6. This case is slightly different, since Mrs. Salfi was precluded not by the obvious fact of her sex, but by a fact which presumably did not appear until she filled out the application—that she had not been married long enough. Yet, the Court suggests that we had jurisdiction in *Wiesenfeld* only because of a stipulation that exhaustion would have been futile. *Ante*, at 767 n. 10. Does this intimate that the Secretary could have refused to waive exhaustion and thereby have eliminated § 405 (g) jurisdiction, even though *Wiesenfeld* could not possibly have complied with the statute without wrestling an application from the clerk and somehow forcing him to file it?

WHEREFORE, this case should be reopened with Dr. Assa'ad-Faltas as the new plaintiff and the consent ruling reconsidered **AND/OR** the ruling allowing ASGDC to release calls should be **vacated**.

Exhibits hereto show that Dr. Assa'ad-Faltas has no real recourse in state courts, who erroneously and repeatedly send to ASGDC *ab initio*, or to other jurists of this District who do not admit their bias.

Respectfully submitted on 4 April 2023 **and served the same day** by e-mail to Messrs. Harpootlian, Griffin, and Barber; to Mr. Lindemann; to Mr. Chaney and Ms. McPhail; and to concerned others, all God so willing.

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